

BLUFF'S
GUIDE TO THE BAR

HILARY BLUFF

EXPURGATED AND EDITED BY
ST JOHN LUCAS

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**BLUFF'S GUIDE TO
THE BAR**

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BY

HILARY BLUFF, M.A., B.C.L.

OF BLACK'S INN, BARRISTER-AT-LAW

EXPURGATED AND EDITED BY

ST. JOHN LUCAS

METHUEN & CO. LTD.

36 ESSEX STREET W.C.

LONDON

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First Published in 1911

DEDICATION

To you, O Junior English Bar,
And them who made you what you are,
I dedicate this pleasing tract
Where Fiction gilds the pill of Fact.
The book is small, the price is high,
The type fatiguing to the eye ;
But follow Duty's path, nor shirk
The purchase of a Standard Work.
Then, when your quickened wits attain
To drafting pleadings without pain ;
When through the Court your accents ring,
And judges stare like anything ;
When Carsons reel from your attack,
And Simons pat you on the back ;
When you attain the BENCH, in fine,
And Lords and Commons both decline
To pension you (at sixty-nine),—
Then, sitting lofty in your ermine
Above the litigating vermin,
Remember when your robe was stuff,
And say, " I owe all, all to BLUFF ! "

“ A Barrister—but quite respectable.”—WORDSWORTH.

“ Get on ! Get on ! ”—THE L—D CH—F J—ST—CE OF
E——D.

WORKS
FOR THE USE OF STUDENTS
AT THE ENGLISH BAR

BY THE SAME AUTHOR

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2. *Making a Splash, or the Art of Jettison.*
3. *Gossiping Guide to the Hotchpot Clause.* (Shortly.)
4. *Roman Law.* 3 vols. (Soon.)
 - Vol. i. The Prætor Urbanus: a polite farce.
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7. *Common Law.* 30 vols. (Sept. 20, 1945.)

A complete synopsis of this obscure branch of the English Law for the use of clergymen, minors, the mentally weak, and women. Torts, their beneficial effect on civilization, etc., etc.

8. *Real and Personal Property and Conveyancing.*
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9. *Equity.* 70 vols. (Sept. 22, 1945.)

(The scheme of this work is not yet definitely arranged. The first 15 volumes will deal with the procedure of the Chancery Division.)

10. *How to earn £10 a year at the English Bar, by one who has almost done it.*

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12. *Hints to the Bench.* (100th edition.)

13. *Hints to the Bar.* (10th edition.)

14. *Hints to Solicitors.* (Suppressed.)

PREFACE

THE modest author does not wish to claim for his little treatise a place on the shelf beside such monumental brochures as Mr. Justice Darling's *Scintillæ Juris* or the last edition of Chitty's *Statutes*; enough for him if *Bluff's Guide* may, like the *Annual Practice*, lie in unruffled sleep year after year on the table of every pupil room. In this admirable epoch it is scarcely necessary for the modest author to mention that his work has no claim to originality; any student might have written it after a

week in chambers; *vix ea nostra voco*, as the solicitor so aptly observed when he contemplated his costs before taxation.

H. B.

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BLUFF'S GUIDE TO THE BAR

CHAPTER I

HOW TO BEGIN

I HAD always possessed a beautiful soul, and when I came down from Oxford every one thought that I should become one of the great literary men of the time, and perhaps even edit a halfpenny paper. Yet many suns went down in red rapture beyond the Chelsea wharves, many grey gallons of Thames water met and mingled with the boisterous sea, and still I found myself without an occupation. It is true that, in addition to living in Bayswater, I wrote epic poems and Petrarchan canzoni for

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the evening newspapers, but I secretly yearned for a more sensational existence.

It chanced that one morning, as I was proceeding on an omnibus to Liverpool Street station, my attention was arrested by a large building in the somewhat depressing style of Gothic which, let us hope, will be only temporarily associated with the reign of the late Queen Victoria. The conductor, a civil though obviously bilious person, pointed out to me a young gentleman in a long gown and a very white wig who was at that moment emerging from the austere portals of this fabric. I gazed at him, and as I did so the scales seemed to fall from my eyes. I looked into the Face of Destiny. I also would wear such a wig, with its two dependent tails and its so ridiculous curls. I would defend the fatherless and the widow, and

subsequently receive gigantic fees from their rich Australian uncles. I would be a barrister-at-law.

I leapt suddenly from the omnibus, and leaving my train to pant for me fruitlessly at Liverpool Street, I entered the romantic and slightly malodorous by-way which is known as Middle Temple Lane. As I passed beneath the admirable façade that affords such a graceful distraction to an eye wearied by the arrogance of the comic dragon which guards that modern Garden of the Hesperides, the City, did not the accelerated pulsations of my heart tell me that this was one of the crises of my life? Already I seemed to be one of the teeming millions of the Law. Already the strange atmosphere, dim with the dust of decayed sheepskins and forgotten charters, penetrated my lungs and claimed me as its own. Not once did I pause irresolute, but with

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a firm step and compressed brow I walked down to Temple Gardens. In that so detestable example of Portuguese renaissance dwelt the man whom I sought. His name was Williams; he had been my contemporary at Oxford, and he was about to be called to the Bar. Fortunately, I remembered the name of the barrister in whose chambers he was dreaming the hours away: it was Shinnock—an appellation unpleasing to the poetic ear, perhaps, but to me replete with forensic ardour.

I found it inscribed in white letters above some twenty others. In response to my knocking, a pyramidal person with large side-whiskers appeared, and smiled in such a friendly manner on perceiving me that I began to wonder when and where I had done him an unforgettable kindness.

“Is Mr. Williams in?” I asked.

His smile increased. It swallowed

up his face as an advancing army swallows the mighty plain.

"He is, sir," he answered gaily.

"But perhaps he is busy?" I murmured doubtfully.

The strange man added several furlongs to his smile.

"Busy, sir?" he said. "Bless your soul, sir, no! He's a pupil."

"Ah ha!" I said brilliantly, but I began to feel uncomfortable. The pyramidal person contemplated me for a moment, and then said suavely:

"May I do myself the extreme honour of inquiring your name, sir?"

I replied; he disappeared, and a moment after returned.

"Mr. Williams," he said, with a grave face, "desires me to inform you that he is very busy at this moment, and will you therefore be good enough to wait?"

I followed him into a room which

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was gaily decorated with legal almanacks and several teapots. With the manner of a hypnotist performing a surprising feat he waved me towards a chair, and then sat down at a desk and began to write assiduously with a shrill and angry pen. Presently Williams appeared, yawning slightly.

"Hullo," he said, when he saw me: "I thought you were writing poetry in the south of France. We'll go for a walk." And he led me out of the chambers. On the threshold he paused as if struck by a sudden and brilliant idea. He turned to the pyramidal person.

"Tell Mr. Shinnock that I shall not be back to-day," he said. Then he shut the door and took my arm.

"Depression," he said, "is nine points of the Law. What are you doing in this unholy place?"

I explained. To my disgust he

began to laugh loudly and rudely, and said something about joining the ranks of the unemployed which my offended ear did not quite catch.

"I am quite serious," I said. "Even an artist should have regular work of another kind to do: it keeps his art from becoming jaded and mechanical. He associates it with his hours of leisure rather than with his hours of toil, and that gives it the right note of ease."

"Rot!" said Williams. "In my opinion, if a man's got a line let him stick to it. Doing two things at once is fatal. It's like having a secret wound. Go away, my boy, and write your horrible epics."

It was some time before I could convince Williams that I was in earnest; I did so at last, however.

"Are you really going to join the great majority?" he said. "You'll

soon get sick of law. What kind are you going to do?"

"I haven't quite made up my mind," I replied warily.

"Try the Common Law," said Williams. "You get a glimpse of life now and then in the Common Law. Criminal Law is Death, and Chancery is——" But I will not repeat the perhaps too hasty stricture of my friend upon an honourable branch of a great profession.

"What do I have to do first?" I asked.

"Pay money," he answered. "That does for your account at the bank. Then you pass the Bar exams., and that finishes off your brain; and you eat dinners, and bang goes your digestion. And then, if you really mean to practise, you must read in chambers. Why not come and read in Shinnock's chambers? He plays

golf, so he won't expect you to turn up on Saturdays."

"Will he take me?" I asked doubtfully.

"My dear fellow, he'll leap at you." Williams paused; a slow, benignant smile illuminated his features. "He loves poetry and all that," he said; "he had an uncle, or an aunt, I forget which, who used to write. You talk to him about all those funny French fellows that you used to read at Oxford when you were working for Schools in the Bodleian."

My heart leapt within me. Shinnock, in spite of his somewhat uncouth name, was obviously a kindred soul. I turned to Williams. "Take me to him now," I said.

Williams began to look uncomfortable.

"You take time to think about it," he said. "No good doing things in a hurry. You had better pass the beastly

exams. before you begin to read in chambers."

"Oh, I can do them at odd moments," I said magnificently; "I want to see the practical side of life at once. Introduce me to him to-day."

The true reason of my friend's hesitation now appeared.

"I can't go back," he said lamely. "I've just gone away for the rest of the day."

I tried to persuade him to return with me, but he was obdurate. "I tell you what, though," he said. "You can go alone. I'll write you an introductory note in the library. They supply excellent writing-paper in the library."

He led me to an attenuated edifice fashioned in the beautiful commercial Gothic manner of the 'sixties. It seemed to be full of gentlemen yawning in tall hats. Having entered his

name in a large book near the door he wrote a note, addressed it to Mr. Shinnock, and then gave me some parting advice as we went down the spiral staircase.

"You had better enter your name as a student at once," he said. "Which Inn are you going to join? Mine has an Elizabethan hall, but the other gives you a larger choice for lunch. That's the only difference."

The reader will realise that I had no hesitation as to which Inn I should honour as a member. I decided instantly. Then I said good-bye to Williams and walked swiftly to Temple Gardens. I sent in the note and my card to Mr. Shinnock, and a few moments later the pyramidal clerk ushered me into that gentleman's room. I admit that I experienced an honest thrill of emotion as I entered for the first time the chambers of

Counsel. Mr. Shinnock sat at a large table in the centre of the room. He rose as I entered. Easy courtesy, I reflected, is one of the most delightful features of the barrister's life. But he did not remain standing; he went out into the passage and began to talk to a telephone with extraordinary vigour. The telephone, after a moment, gave up the unequal contest, and then Mr. Shinnock returned, and briefly wished me a good morning.

If Mr. Shinnock's clerk was pyramidal, Mr. Shinnock himself merited rather the adjective octagonal. He wore gold spectacles, and had a face like a fiddle and a voice like a flute.

"I have room for another pupil," he said, pointing to one of the empty chairs. The other, I deduced, belonged to the elusive Williams. "Are you called yet?"

I replied truthfully, but in a manner

which hinted that the interesting ceremony which he mentioned was likely to happen at any moment.

"Very well," said Mr. Shinnock. "I will take you for a year. Come to-morrow if you like. We don't smoke in chambers, though to do so seems to be permitted by statute throughout the Temple. And don't imagine we are on an equality here. I may talk to you, but you mustn't talk to me. Occasionally, of course, I shall discuss interesting points for your benefit. Good morning!" He had the air of suddenly ceasing to see me, and I faded through the doorway like a mist.

The pyramidal clerk eyed me with benignant interest as he opened the door. I felt almost too emotional to respond adequately to his effusive farewell.

It was done! I had embarked on a career. . . . My breast swelled with

peculiar importance. At that moment a small boy with a ferret-like face came whizzing up the stairs, and nearly collided with me. He glanced at my face.

"Are you Mr. Jones's clerk?" he demanded breathlessly.

For a moment I was at a loss; then I drew myself up to my full height and smiled benignantly.

"No," I said. "No . . . I am only a student-at-law."

CHAPTER II

HOW TO READ IN CHAMBERS

NEXT morning, when I entered Mr. Shinnock's chambers, I found that gentleman seated at his table reading the *Daily Telegraph*. The mellow yet scholarly style of that celebrated journal has always appealed to all that is best in me, and as I advanced towards my preceptor my face must have shown appreciation of the fact that his tastes were akin to my own. I held out an effusive hand to him. "Good morning, sir," I said.

He looked somewhat surprised. Probably he was not accustomed to pupils who possessed such a gift of genial courtesy. "'Morning," he said,

after a moment. He shook my hand perfunctorily, and then remarked, "After to-day we don't shake hands."

Slightly abashed, yet smiling still, I retreated to my desk. On it reposed a bundle of papers tied with red tape. I fingered them softly. Mr. Shinnock glanced towards me. "Read that," he said. "You can attend the summons at 1.30." I untied the tape, thinking as I did so that the stern bit of toil was now in the mouth of the Pegasus of my pleasures, and that I should be obliged to forgo the little luncheon that I had promised myself at the Trocadero as a memento of my first morning of labour. I glanced at one after another of the papers; they were couched in an uncouth dialect, it seemed to me; the only human interest I could discover lay in the names of the plaintiff and the defendant, and even they were called Tompkins and Bilks. One of

the documents, however, bore the words, "*Witness, Hardinge Stanley, Earl of Halsbury,*" and as I read that great name I began to feel that my lines were indeed fallen amongst mighty things.

For the rest, I tired hugely of these passionless documents, and was quite relieved when Williams entered swinging a stick jauntily.

"'Morning," he said, with a collective nod to Mr. Shinnock's back and to me.

Mr. Shinnock turned round slowly.

"Enjoyed your lunch?" he asked. The question seemed to me at the time scarcely pertinent. (Williams, indeed, when privately consulted, said it was somethinged impertinent.) But I afterwards discovered that it was typical of Mr. Shinnock's method of sarcasm.

Williams sat down at the desk opposite to mine.

"What are you reading?" he whispered.

"Tompkins *vee* Bilks," I replied, in the same mysterious manner. The effect of my innocent murmur was electrical. Mr. Shinnock bounced up and down in his chair, and then turned to glare at me.

"Never say that ; never dare to say that !" he shouted.

I was bewildered, but soon I came charitably to the conclusion that he was mad. I humoured him suavely. "I beg your pardon," I said. Then I looked at Williams. To my surprise he was contemplating me with an expression of mingled pain and contempt. What, then, had happened? Had my whisper sounded like some dreadful thing?

Mr. Shinnock spoke. "I forgot," he said to Williams ; "he has only just come. Explain to him, please."

Williams leant towards me with a pitying smile.

“You may say ‘Against,’ and ‘And,’ and ‘Versus,’ but you mayn’t say ‘Vee.’ It’s deadly sin.”

I gasped, but it was interesting. This, even this, was an example of that mighty unwritten Code of which I had so often dreamed—the Etiquette of the Bar! Not the mightiest Judge, tower as he may in scarlet and ermine above his throng of henchmen and litigants, can add one jot or take away one tittle from this superb garner of noble custom; not the least and swarthiest student of law may infringe it without rebuke. I was indeed received into the very heart of legal life.

My meditations on this profound subject lasted for an hour. At the end of that time Mr. Shinnock leant back in his chair, stretched out all his arms and legs, and yawned voluptuously. Williams did the same, groaning slightly, and I felt that the tension

of toil had relaxed, and arranged myself in a comfortable attitude.

At this moment a small piece of paper leapt into my desk from the void. I looked up. Williams nodded towards it, and grinned. I opened it. On it was written :

“Tackle him now about those French poets.”

I looked at Mr. Shinnock. Mr. Shinnock looked at me.

“Getting along all right?” asked Mr. Shinnock, quite genially.

“I find the prose a little obscure,” I said. “Talking of obscurity,” I continued, “have you ever read ‘Pelléas and Melisande’?”

Mr. Shinnock adjusted his spectacles carefully.

“H’m,” he said; “H’m, h’m. No. Where is it reported?”

I gaped at him. It took me a moment to realize that the poor benighted

man thought I had quoted a legal case to him. But I am always gentle in my attitude towards the ignorance of others. After all, the ignorance of others is the black night across which the beacon-flare of the higher intellect flames so brilliantly. I looked at Williams; he was reading an inverted White Book. Then I returned to Mr. Shinnock.

"It is not reported," I said merrily; "though, if it were, I fear that it would be in the Probate, Divorce, and Admiralty Division. But perhaps you disdain the moderns?"

Mr. Shinnock seemed to be stupefied for a moment. Then he wailed with his reedy voice.

"What on earth are you talking about?" he cried.

I looked again at Williams, and saw that he was still absorbed in the mazy mysteries of the *Annual Practice*.

"Perhaps you prefer de Musset?" I hazarded. "*Barberine* seems to me the ideal, the type of all delicious comedies; and as for *le Chandelier* . . .!"

Mr. Shinnock gasped, and then rang a bell on his table with extraordinary vehemence. A small boy who looked as if he were about a hundred years old appeared.

"Bring me," said Mr. Shinnock, in the suffocated manner of an injured husband on the French stage, "bring me Meeson & Welsby thirteen."

The boy disappeared like a phantom at cockcrow. Mr. Shinnock glanced at me with resentment. I began to feel guilty.

"I must have misunderstood," I murmured: "Williams said something about . . ." But I got no further, for an enormous and appalling grin completely absorbed all Mr. Shinnock's features.

“Oh, Williams!” he said, as if that explained everything. “Williams is an ass.”

Like Necessity, I know no Law, but I am prepared to assert in the teeth of all opposition that Mr. Shinnock’s remark did not then, nor ever at any time could, constitute a slander.

CHAPTER III

HOW TO ATTEND BEFORE THE MASTER

AT half-past one, after a ridiculously inadequate lunch in the hall of my Inn, I returned to chambers, and thence proceeded with Mr. Shinnock and Williams towards the Royal Courts of Justice. I have already aired the contempt which I shall ever feel for the architectural style of this edifice, yet as I entered its portals I could not repress a certain emotion. Being naturally epigrammatic, I turned to Williams. "When talent comes in at the door," I said, "injustice flies out of the windows." Williams was less impressed by the phrase than I could have wished. "It can't," he replied oracularly; "they won't open."

Certainly the air inside the Courts seemed heavy with the sighs of a thousand litigants. I thought of the great verse of Dante.

“Per me si va tra la perduta gente ; . . .
Giustizia mosse il mio alto fattore,”

I murmured musically, and, I hope, not profanely. We began to ascend a sombre stair. So did a great many other hurrying persons, the majority of whom succeeded in treading on my toes. I was relieved when we emerged at last into a fuliginous place that possessed all the attributes of a waiting-room at a railway station and even more repellent seats. Here a great number of frenzied people were rushing about in all directions ; a favoured few, however, stood tightly packed into two wooden sheepfolds at either end of the hall. At intervals a weary-eyed official uttered a staccato cry which caused the

people inside each sheepfold to struggle violently in the direction of a door beyond it, which he opened. After they had wrestled with each other for a suitable time, the official shut the door and smiled at them. Soon the hall became quite full of small men with crafty eyes, prismatic neckties, and a generally restless manner. Williams told me that they were the vultures and vampires of the law. I did not know what he meant by that remarkable phrase, but their aspect saddened me. I felt that Burne Jones would have disliked them: I could not make them coincide with my idea of an earthly Paradise: I was certain that they did not read enough Matthew Arnold.

In fact, the atmosphere of the place afflicted me with a vague misery. Even the dim street, with its sonorous wheels and grim, heavy-jowled mer-

chants, seemed to possess an acute and beautiful humanity when matched with this depressing backwater of the mighty stream of the law. I yearned to be elsewhere. I thought of the mute, immortal marbles within the British Museum, of cool gardens in Oxford, of Plato's prose and Botticelli's painting, of white and wind-swept Alps—of everything, in short, which was calm and changeless and beautiful. Then a beastly little boy bruised my elbow with his head, and, sighing deeply, I returned to sordid reality.

Mr. Shinnock, attended by Runnacles, the pyramidal clerk, was standing near me, and talked incessantly to a gaily apparelled youth with a brown hat which wounded my soul. This young man, as I afterwards understood, was managing clerk to the solicitors who were instructing Mr. Shinnock. At this moment, however, Mr. Shinnock

seemed to be instructing him. Presently a sinister-looking person with a black bag joined the group, and made a statement that appeared to cause annoyance to every one. He then withdrew to a corner of the hall and stared with fish-like eyes into space.

Williams came slowly towards me. "Blick's clerk says Blick hasn't turned up, and he can't find him," he said. Blick, it appeared, was the counsel against Mr. Shinnock.

"Then that's all right," I said. "I suppose we can go away. Can you tell me the technical name of this place?" I added.

"It's called the Bear Garden," said Williams. I was about to demand an explanation, when a door behind one of the sheepfolds was flung open, and the weary official uttered once more his strange and terrible cry. Instantly Mr. Shinnock, Williams, Runnacles, and

the sinister personage with the bag began, with the aid of a few well-directed blows from the elbow, to force their way through the crowd. I followed, and eventually found myself in a large room bisected by a long desk, behind which sat a terrified gentleman with a brilliantly bald head. Before him stood, or rather reclined, a very stout man with curly hair, who balanced his stoutness neatly on the desk, and a saturnine opponent in robes. They were the knights of the fray; their squires and attendants were grouped around them.

I watched the scene with awe. The stout man exuded words as a fir tree exudes gum; he spoke slowly, and there was pomp, if not dignity, in his impressive air. Also, he perspired: it was obvious that he was dreadfully in earnest. The bald-headed personage behind the desk blinked and cowered,

and the saturnine opponent occasionally opened his lips to contradict the earnest assertions of the speaker, who would thereupon groan like a wounded elk, and appeal pitifully to the Master for protection. At last, but still long before I had grasped the subject of the stout man's eloquence, the Master, with a tremendous effort, conquered his vague fears, polished his eyeglasses assiduously, smiled, apologized to the stout man, who at once assumed the attitude of noble resignation, apologized to the saturnine person, who protruded his under-lip, and then began to scrawl laborious characters on the documents before him. The stout man and the saturnine person interchanged forensic pleasantries in a manner that seemed to me curiously artificial. Had they rehearsed the whole absurd scene in private? I did not know. The atmosphere oppressed me. I was about

to ask the Master to order that the windows should be cast open to the sweet air of the Strand, when the stout man, followed by his allies and opponents, departed from the room. His gait had all the majesty of an immense procession. That of his allies was less remarkable.

“Our turn now,” said Williams. The phrase seemed to me inappropriate. Could anything be more unlike the methods of the halls of mirth and music than the present dingy proceedings? However, imitating my fellow pupil, I reclined in a picturesque attitude at the end of the desk whilst Mr. Shinnock, the youth with the hat, and the sinister man with the bag did obeisance before the Master. I was spared a long period of weariness, for Mr. Blick had not appeared, and Mr. Shinnock applied for an adjournment, or something of the sort.

How *triste* it all was ! A great wave of pity surged over my heart as I looked round the room. The poor fellows actually enjoyed this dim and lifeless wrangling ; they smiled, they were alert, their ardours were not wholly feigned. How infinitely pathetic ! To this, to this, the weary travail of our giant Mother the Earth through countless centuries has brought us at last . . .¹ Alas !

Yet, like sunshine after a day of grim rain, the one touch of nature that makes the whole world fight with weapons less cumbrous than those of the law was not denied to my experience. The young man in the dreadful hat seemed to be delighted with himself and the world : holding

¹ The editor has omitted three folios of lamentation on the ugliness of things in general. The writer's philosophy is both noble and beautiful, but perhaps it would be somewhat out of place in a work primarily intended as a guide to the legal profession.

a walking-stick, a pair of gloves, and the aforesaid painful decoration, he turned over papers rapidly, talking all the time to Mr. Shinnock. The sinister person with the bag (I think even the lay reader will know that I refer to the clerk of the absent Blick)—the sinister person stood near and regarded him with disfavour. Now the fingers of the young man were deft; but presently the papers, the hat, the gloves and the stick, became as mixed as their linguistic symbols in a child's first French exercise, and it was then that the young man thrust out his overburdened hands towards the sinister person.

“Here, catch hold!” he said magnificently, and then he continued to talk to Mr. Shinnock. The sinister person frowned, but at length took some of the papers. The young man looked down. “No! not those, con-

found it!" he cried. "I want the papers: hold my hat."

The sinister person's eye should have blasted him where he stood. There was a moment's silence, and then——

"Hold your hat!!!" exclaimed the sinister person, emphasizing the aspirates in a truly appalling manner. "Hold your hat!! I won't hold your hat!!! What next, I wonder!"

He became rigid with fury. His eyes were lambent, frightful. Mr. Shinnock disappeared hastily into the robing-room. I walked into the sunlight with Williams, and meditated on the permanent nature of the elemental passions.

CHAPTER IV

HOW TO DINE IN HALL

THE regulations of the Inns of Court require the student of English law to dine for a certain number of nights during the Term in the hall of his Inn. Being no archæologist, I am not aware of the reason for this grim decree: I am told that it exists in order to promote good fellowship amongst the neophytes of the Bar, but it seems to me that a harsh and repellent apple tart, which reappears night after night with the monotonous regularity of a self-respecting ghost, is scarcely the medium whereby men's hearts are opened to one another; and I have seen the faces of strong men grow dark with rage over the kind of

earthwork that is dignified quite arbitrarily with the name of plum pudding. Possibly the Inn dinners are devised on the mistaken principle that plain living leads to high thinking; but even if this be so, is high thinking of any value at the Bar? Mr. Haldane,¹ it is true, is a distinguished philosopher, but I prefer to think that he dismisses all theories of the absolute from his mind when he enters the Court, and keeps the vexed question of Appearance and Reality to beguile the tedium of a debate in the House of Commons.

To my mind, the form of repast most conducive to legal swiftness of thought is a quick lunch at the American restaurant in the Strand. This, at least, is my prescription for the Common Law Bar; gentlemen who practise in the Chancery Courts will probably find their most appropriate tonic in a ponderous bun.

¹ Now happily Lord Haldane.

If the food (thoroughly English and wholesome, *bien entendu*) is of the kind which, once eaten, is long remembered, it is, on the other hand, possible for the student, by artfully selecting teetotalers and other fanatics as the members of his mess, to become jolly on wines, as Mr. Hilaire Belloc so pleasingly phrases that delightful process. For the benefit of the mothers and aunts of law-students who may chance to gloat over this instructive little volume, I may say that the diners sit in messes of four men, and to each mess a certain quantity of wine is allowed. The captain of the mess is a person who is pompous if he is old and bewildered if he is very young. On him devolves the duty of ordering the wine. He also possesses certain obscure powers of fining his subordinates, which, if regularly exercised, are fairly certain to ensure his general un-

popularity. I will not mention the appalling hour at which the dinners of the Inns of Court punctually begin ; suffice it to say that it is exactly when the self-respecting *viveur* is comfortably digesting his lunch at the club with the help of the earlier evening journals.

On the first occasion when I dined in hall, I arrived only a minute before the stroke of this hour, and had just time to throw on a garment not unlike the gown of an Oxford Commoner, but greatly elongated, and to enter the hall, where a large number of students and a few barristers were standing. Various menials, several of them bearing a striking resemblance to some successful barristers whom I knew by sight, were carrying in large silver trays with a pomp that would have made the high priests of old shake all their bells and pomegranates with envy. A moment

after there was a sound as of a conflict of giants in the passage without, and then a venerable person clad in a long purple gown appeared, carrying a large silver-headed mace. With this, when he had reached the dais at the top of the hall beneath the great Vandyck, he powerfully smote the floor. I noticed that some shy individuals had crept up the hall in his wake. Grace was said by one of them, and they took their seats at the table. I remained standing forlorn at the bottom of the hall.

Presently, however, a benevolent-looking official with a white beard beckoned to me, and indicated a vacant place in a mess at one of the students' tables. I took it, and found myself opposite to a stranger from Afric's sunny fountains, and a compatriot of my own, who wore the most vivid and wounding waistcoat that my eye had ever beheld. On my right sat a stout

and very solemn-looking person with an aquiline nose and a bulging under-lip.

The person with the waistcoat nodded briefly to me.

"'Evening," he said. "Seen an evening paper? What's the latest on Jardy?"

I brightened. At least there was no sickening formality about one's relations with one's messmates. I replied that I had seen an evening paper, and was unaware as to what was the latest on Jardy. I had a dim idea that Jardy was a Spanish politician, but I was not sure, so I spoke cautiously.

"What has he done now?" I asked.

The man with the waistcoat gave me a keen glance.

"Coughing," he said.

This puzzled me terribly. Why should the fact that a Spanish politician suffered from catarrh be so awfully important? I went warily again.

“ Serious? ” I asked.

The man with the waistcoat pursed out his lips and frowned.

“ Serious! ” he cried bitterly: “ he won’t run.”

Why should he? I thought. Running was a 'mode of progression scarcely adapted to high dignitaries of State. At that moment, however, the attention of the man with the waistcoat was distracted by the question of wine, and I was able to examine the two other members of our quartette. The solemn person with the nose and the lip sat in sphinx-like silence; the blameless Ethiopian (did not Zeus himself banquet with his forerunners?)—the blameless Ethiopian was more demonstrative; he discussed the weather, and I resolved to draw him out on the amelioration of native conditions in Africa and the prismatic wonder of the tropical forest. He had been called to the Bar in the previous

term, and from his conversation I concluded that he found it very difficult not to wear his robes throughout the day.

Presently the menu was handed to us ; my friend with the waistcoat called it the programme. It was a large enough sheet of cardboard, but its contents, though they seemed exciting and Gallic at the first glance, became dreadfully depressing on a closer inspection. I append it.

MENU

Potages

Boiled Cod

Poissons

Roast Beef

Relevés

Boiled Beef

Entremets

Roast Mutton

Viandes Froides

Hot Apple Tart

Thus did the patriotic soul of an English cook disdain the enervating nomenclature of the Cordon Bleu. I called the attention of my fellow diners to the anomalies of the menu, but they did not seem to be impressed by its humour ; the swart son of the desert, however, laughed immoderately, and told me a rather unprintable anecdote connected with his sojourn in Paris.

The wine came to us at length ; it was port, a decoction that I could never warmly praise. My travels in Italy have taught me that a wine, to be beautiful, must have a beautiful name, like Valpolicella, Lagrima Christi, Asti Spumante ; port always awakes in me painful reminiscences of long Sunday afternoons in the house of certain old-fashioned relatives whom I used to visit against my will when a small boy. We toasted each other in the solemn and complicated fashion prescribed by the

custom of the Inn, and then silence fell upon us again. I was able to glance round the hall. The scene reminded me of my beautiful grey Oxford, and it was with a curious sensation of surprise that I remembered suddenly how near to the roaring Strand and the myriads of the East End lay this curious survival of a more leisurely age. Then I remembered my duties, and began to make conversation.

I was not rewarded for my efforts, except by the ample smile of the Oriental's grotto-like mouth. With a view to discovering common interests I started many subjects—the drawings of Leonardo da Vinci, Herbert Spencer's attitude to modern life, travel in France, travel in Italy, steamboats on the Rhine, modern journalism, and the last musical comedy. But the man with the waistcoat seemed still to be absorbed in gloomy foreboding as to the fate of the

mysterious Jardy, and the sphinx was sipping port very slowly and meditating on his own secret. At last, and remembering with apprehension the penalties exacted in Hall at Oxford from those who talked shop, I mentioned Law. The sphinx became suddenly voluble.

He continued to be voluble for three-quarters of an hour. The man with the waistcoat watched him gloomily, and drank most of the port. I was weary ; it seemed to me that the sphinx was reciting page after page of the Annual Practice. I began to hate him. In despair I turned to the Ethiopian.

"You are going to practise at the Bar of your native land ?" I said.

He nodded. The man with the waistcoat seized on the chance of escape from the sphinx, and winked at me.

"He's going to dance the corroborree in his robes," he said.

I thought the remark in bad taste, but I did not comment on it. The sphinx at last ceased to unburden his soul of its accumulated stores of erudition. The man with the waistcoat took up the wondrous tale.

"Stroddinary thing," he said, "all these Indians getting called. Strod-dinary thing. Every one of them who has been called goes back to his own country and becomes a god. What I like about it is that it's so respectable."

"Respectable?" I asked vaguely. "Do you mean that to become a god is respectable?"

The man with the waistcoat looked surly. "No," he said, "of course I don't. Of course I don't. What I said was that being a barrister makes a fellow respectable."

The vulgar philistinism of his point of view rather amused me.

"Is that the reason why you are going to the Bar?" I asked sweetly.

"Ho yes," he said. "I'm not going to practise—not me. I go to the Bar to get a social status. It's a position. It stamps you. It's respectable." He drank more port. "If you're run in at night you've got an answer ready for the magistrate. Respectable man—Barrister-at-Law." His face became pointed and crafty, and took on an even greater resemblance than before to the large gold-and-enamel fox's head in his dappled tie. I loathed him, but I was merciful.

"Surely," I said, "respectable is hardly the word to apply to a profession. The art of acquiring the respect of others is a personal quality which neither money nor examinations can avail to give us. The only profession, in my opinion, which approximates to real respectability, is (of course

I do not mention the Arts) the *métier* of a shepherd. The pastoral life has a lovely dignity of its own. Read Theocritus and the Georgics. Read Wordsworth. Read Housman's *Shropshire Lad*."

The man with the waistcoat gazed at me solemnly for some time, then he grinned and turned towards the sphinx.

The sphinx protruded his underlip like a love-sick camel.

"Pooh!" he said. "A shepherd! A shepherd belongs to the lower classes."

As I went out, after grace had been said, it was with a sigh of mingled irritation and relief. There are some points of view which are really utterly intolerable to the artistic temperament.

But not all my dinners were so terrible.

CHAPTER V

HOW TO WRITE OPINIONS

FOR some weeks after my arrival in Mr. Shinnock's chambers I continued to experience a sensation which I can only compare to that of a diver who adventures for the first time into the uncharted depths of perilous seas forlorn. Gradually, however, my early bewilderment forsook me; when I was suddenly questioned concerning the case which I happened to be reading, I no longer confused plaintiff and defendant, or imagined that the point at issue was a libel when it was in reality a non-performance of contract. With this new-found ability of mine there came also a desire to

turn my everlasting absorption of law to account ; to perform some task which might reasonably be called creative, if that term can be merited by any part of a system whose whole attitude seems to me one of destruction.

It chanced that one morning, as I was rather wearily reading how one gentleman (of an unromantic temperament, to judge from the correspondence) had annoyed another gentleman (of a similar temperament, I think) by breaking several drainpipes that belonged to one or the other of them, Mr. Shinnock suddenly fixed me with his penetrating glance and inquired if I had ever written an opinion. I had not done so, but I had read many ; and to my mind the secret of their construction seemed to lie in the reiterant use of certain non-committal phrases : *I think, in my opinion, unless there is anything to the contrary, per-*

haps, probably, possibly, and so forth. Therefore I reassured Mr. Shinnock by announcing that I thought myself entirely capable of producing an opinion that would not only satisfy the solicitor, but afford himself also some valuable food for thought. I softened the hard truth of this announcement by veiling it in somewhat obscure language; but Mr. Shinnock was not unsympathetic. His smile told me that he understood.

To Williams, arriving at that moment—late as usual—was allotted the same task. He displayed no emotion on hearing of it, but began to write a letter even before Mr. Shinnock departed to unearth precedents in the library. After an hour, during which I wrote two opinions, and tore them up in consequence of vital errors due to my too romantic conception of the facts, Williams glanced through the instructions, wrote rapidly for ten minutes,

and then flung what he had written over to me. I admired him. I admired him less when I had read what he had written, but I felt that I liked him better.

I must premise that the affair with which we were concerned was of a very commonplace nature; yet eventually, doubtless, the leading case of *Blate v. Waggonacles* may acquire an additional interest from having been quoted in this book. The facts, stated briefly, as solicitors say before they embark on a narrative of twenty folio pages, were as follows:

Mr. Ezdras Blate was a not unprosperous dealer in mushrooms who resided near Bungay, a locality, if we may believe the reports of the various Royal Commissions of Inquiry into the State of Mushrooms in General from 1800 to 1904, singularly favourable to the production of that pleasing though treacher-

ous comestible. The world went very well indeed with Mr. Blate until one ill-omened day when his wife's nephew, Mr. Waggonacles, a seedsman of Twickenham, sighed for the larger air of a land unsoiled by villas, and heard of the rapid increase of income that attended the labours of his uncle by marriage. Undeterred by the solemn warnings of Mr. Blate, who stood, like a prophetic angel, with his finger pointing direfully in the direction of Bankruptcy Buildings, Mr. Waggonacles sold the business at Twickenham, and with the proceeds rented a farm near Bungay with meadows thereto attached, which meadows actually lay next to those of Mr. Blate. Mr. Blate resented this invasion extremely, but for a couple of years Mr. Waggonacles did not thrive at all, so that his uncle began to feel happy again, and to offer him humorous advice whenever they met. Being goaded, probably, to a

frenzy of labour by this kind of advice, and as he possessed also a good deal of dreadful business ability, Mr. Waggonacles rose up so early and toiled so hard that by the end of the third year of his tenancy his profits had almost equalled those of his uncle, and three years later he was the richer man of the two, and was enabled to repay the humorous advice with grinning interest.

Mr. Blate was furious, for in proportion to the increase in his nephew's wealth his own income steadily diminished; the mushroom world was dethroning its king, and a vile usurper was about to reign in his place. The white and wonderful harvest of his fields, too, was less wonderful than of old, and one of his chief grievances was that tramps were able to enter his land by means of a hole in a certain common hedge which Mr. Waggonacles was bound by agreement to keep in repair.

Mr. Blate brooded over this grievance until he came to the conclusion that Mr. Waggonacles left the hole in the hedge unrepaired on purpose to allow strangers to enter and ruin his neighbour's mushrooms. He does not seem to have ever accused or even suspected Mr. Waggonacles of theft: theft, he held, would not have been worth Mr. W.'s while. But he was certain that Mr. Waggonacles left the hedge unrepaired to annoy and injure him, and he resolved to bring an action against him.

Having formulated this resolve, he went away to Surrey for a holiday. One morning he was leaning on a gate by the roadside, contemplating a field which to his poetic eye seemed like a green heaven with myriads of mushrooms for stars, when a labourer driving half a dozen pigs came by him. The labourer was an ordinary labourer, and the pigs seemed ordinary pigs; but suddenly, at

the moment when they were passing Mr. Blate, the largest of them uttered an extraordinary series of squeals, rushed between his legs, and attempted to get through the gate. It was some time after that the labourer, by using its tail as a handle, induced it to return to the road. Mr. Blate, who was always interested in the devious designs of nature, inquired the reason of this sudden madness. "Mushrooms," said the man. The pig had a passion for mushrooms as insatiable as the thirst of Falstaff. Mr. Blate contemplated it for some time, and then walked with the man to the market for which the latter was bound. When he returned to Bungay a fine pig accompanied him, and he noticed with satisfaction that the hole in the hedge was still unrepaired. The next evening he showed it to the pig. That esurient animal was driven forth with curses by Mr. Waggonacles

at daybreak, but not before its most radiant dreams of gluttony had been gratified.

These assisted visitations continued for several days, until one evening when the pig, finding that even Paradise could grow monotonous, or, perhaps, too much elated with a myriad mushrooms, penetrated into Mr. Waggonacles' garden and fell through a cucumber-frame. An acrimonious correspondence followed, resulting in the issue of a writ by Mr. Blate, who demanded damages on account of his pig, which had been lost through Mr. Waggonacles neglecting to keep up the fence as he had agreed to do, and on account of mushrooms stolen by tramps because of the same negligence. Mr. Waggonacles' solicitor then instructed Mr. Shinnock to give his opinion on the case in general, and as to the advisability of Mr. Waggonacles putting in a counterclaim for the mush-

rooms lost by the introduction of the pig, whose tastes had been detected by him on the last evening before its glassy end.

Williams wrote another Opinion, taking a line contrary to that on which his first one was written, whilst I was still thinking out my high argument. Here is Opinion No. 1 by Williams.

Opinion

Waggonacles is wrong. Blate is right. Blate should apply for summary judgment under Order XIV. 2. 6. See *Ping v. Pong*, 5 Q.B.D. 900; *Huz v. Buz*, 18 L.J. Q.B. 333, 42 L.J. 1008; *Hophni v. Phineas*, ex-parte Eli, 8 Q.B.D. 540.

"It's rather short," said Williams, "but I saw one by a Silk the other day which was shorter, and hadn't any references. This is a better one, with

sound commonsense advice for the defendant." And he read the second document.

Opinion

"In my opinion both Mr. Blate and Mr. Waggonacles are rogues. The first question, then, in my opinion, to be answered is, which of the two is the greater rogue? This, I think, is important, as the party who is the greater rogue will probably win the action, for it is a maxim of Law that the greatest rogue is the person most skilful at pretending that he is an honest man when he is not in substance and in fact (Blackstone, *Commentaries*; and Darling J., *Scintillæ Juris*), and in an action the most honest-seeming man often wins. The simplest plan, I believe, will be for me to put the dishonest (in my opinion) actions of both parties in tabular form thus:

60 BLUFF'S GUIDE TO THE BAR

“(a) MR. BLATE

(1) Buys pig with
intent to
i n j u r e
nephew's
mushrooms;

(2) I n j u r e s
nephew's
mushrooms
by introduc-
ing pig.

(b) MR. WAGGONACLES

(1) Neglects to repair
gap in hedge ;

(2) Lures pig into
greenhouse.
(? allege);

(3) Puts greenhouse
where pig can
hurt itself
against it. (?
allege, find out
about green-
house).

“It will thus be seen that Mr. Waggonacles, as I think, goes one worse than Mr. Blate; but probably here the great maxim of Equity would intervene which lays down that a man who has committed ten smaller crimes is not necessarily more guilty than the man who has committed one great one. In my opinion Mr. Waggonacles should pay 40s. into Court, denying liability, and counterclaim for injured mushrooms.

The roguery, in my opinion, is about as equal as can be."

I listened to Williams's second opinion with interest ; it seemed to me to have hit the happy mean between the over-pompous and the over-casual. But I felt that my own opinion displayed a subtlety scarcely granted by the gods to my fellow-pupil. I read it to him with pride. It ran as follows :

" Opinion

" The first question to be decided in the present case is, What is a pig? Pigs may be divided into two classes—wild pigs (*feræ naturæ*) and tame pigs (*porci domestici*). Now if the pig in question was a tame pig, it belonged to its original owner under all conditions by the *jus civile* ; but if it was a wild pig, it did not belong to its original owner, for it never had one, but it was the property of the person on whose

land it roamed, and as soon as it left that land ceased to be his property. In my opinion circumstances point to the fact that the pig in question was probably a wild pig; I think that its taste for mushrooms, which it could not have acquired in captivity, is (unless it can be proved to be hereditary) evidence of this, as also its desire to escape from the man who was driving it and its ignorance of the danger which attends leaping into cucumber-frames. Now if it was a wild pig, it ceased to be the property of Mr. Blate as soon as it left his land, and became any one's property (*e.g.* if it had gone down to the seashore and lived below high-water mark it would have been its own property); therefore when it entered Mr. Waggonacles' land it became his property, and so his mushrooms were destroyed by his own pig, and he had perhaps better not counterclaim for

their value. I should advise Mr. Waggonacles to defend the case, but not to pay money into Court. The case, in my opinion, should be helpful to the mushroom trade. Mr. Waggonacles would do well to go into partnership with his uncle by marriage, Mr. Blate."

Williams appeared to be amused by my opinion, but he pretended to think that the law on which my argument was based did not exist. Unluckily, Mr. Shinnock never asked to see our attempts, and we were far too modest to produce them uninvited. The amusing part of the affair was that Mr. Blate and Mr. Waggonacles actually did become partners, and now produce gigantic mushrooms with the most amiable co-operation.

CHAPTER VI

HOW TO DESCRIBE A GREAT CASE

THE last six months of my sojourn in Mr. Shinnock's chambers may to some extent be regarded as the most remarkable epoch during my life, for during this period I had the supreme good fortune of being able to witness—may I say in some degree to foster?—the gradual development of one of the most fascinating of our modern *causes célèbres*. I think I may assert that the great case of *Pilchard v. Löwenbaum* will always possess an interest for any one who, from the point of view either of literature or anthropology, devotes any portion of his time to the study of the *gens irritabile vatum*, or the almost equally irritable race of actor-managers.

The history of the case up to the time of trial was as follows. Mr. Simon Pilchard, a sturdy young rhymers of the Tennyson breed, as one of the half-penny journals so aptly described him, had written in his charming suburban residence a drama which bore the title of *Philip of Macedon*. In spite of various ghostly interruptions (for it is dangerous to write personalities even of dead-and-gone Macedonians) and of alarming conflicts with burglars, who were probably jealous minor poets in disguise, Mr. Pilchard finished his tragedy and sent a type-written copy to Mr. Löwenbaum,¹ the distinguished manager of that annexe to the Marlborough Dining-room which is known as The Unique Theatre. Mr. Löwenbaum read and marked the play, and afterwards proceeded to learn and inwardly digest it for the benefit of

¹ Now, happily, Sir Rudolph Löwenbaum.

humanity. In due course the play appeared, and the first night was highly successful: the dramatic critic of *The World* wept like a widowed thing in the second row of the stalls; and one of the most distinguished members of the staff of the British Museum fell into an ecstatic trance, and was still in catalepsy bound when removed to a four-wheeler by the finely liveried attendants of the theatre. It is true that a certain revolutionary, Mr. George Bernard Shaw, muttered in his beard and pouted contemptuously at the affecting love scene between Philip and his second wife; and that Mr. Arthur Balfour, always as tender-hearted as true-souled (*D—ly T-l-gr-ph*), shivered apprehensively when Alexander threw the drinking-cup (silver gilt) at Attalus, and, unfortunately missing him, removed the conductor of the orchestra somewhat swiftly from his seat beneath the

spreading palm-trees that form so pleasing a feature in the ensemble of The Unique Theatre. Save for these episodes the play was received with extreme enthusiasm; and Mr. Bernard Shaw was ejected from the gallery by a certain Robertson Nicoll, who murmured triumphantly, as he performed this salutary task, "Whaur's your Willie Shakspeare noo?"—an epigram which has since had no small success in the Savile Club and the loftier literary circles of Brixton and the provinces.

But alas! amid the harmony of this general rejoicing a jarring note was suddenly sounded. At the fall of the curtain, when Mr. Pilchard (in fashionable evening dress, with black trousers and a white tie) advanced to the footlights to acknowledge the applause of the audience, and to receive the laurel crowns secretly woven by the fair hands of the Women's Literary Guild of

Peckham, the Intellectual Amazons of Notting Hill Gate, and the Eclectic Minds Society of Surbiton, it was obvious that he was deeply moved, and not even the fine Irish-grown potato thrown on to the stage by Mr. Shaw, who had returned by means of an emergency exit, could avail to arouse him from his melancholy. His speech was short but brilliant. Fixing his eyes on Mr. A. B. Walkley, he murmured these words: "Τελός, *finis*, ἀναγκή, ὁλῶλα, ὀτατοτατοῖ, οἶμοι, αἶ, αἶ, αἶ." He then bowed, and withdrew. There was some commotion amongst the regular playgoers, but thanks to the commendable skill displayed by Mr. Max Beerbohm in his method of handling the fire-hose, the audience at length withdrew. Mr. Löwenbaum did not appear in response to the call of the dripping but enthusiastic assembly.

Mr. Pilchard refused to make any communication to the reporters who besieged him at supper, and it was not until the next morning that the true reason of his remarkable epigram was given to the world. In a letter to the *Daily Telegraph* Mr. Pilchard accused Mr. Löwenbaum of nothing less appalling than the wilful murder or deliberate suppression of some of his finest lines. For instance, the great speech in which Alexander prophesies his own future in these burning words :

“ Oh, I will be a flame to burn the world
And speed the Kalmuck to the Caucasus ;
I, only I, will set the Thames afire
And all the rivers running to the sea ;
Terribly will I thunder over Thrace
And lighten on the Lebanonian ;
Like Dionysus ride to India
Drawn by the tameless panthers of Ambition,
Yea, I will turn the courses of the world,
And thresh the foam-fruit of the fuming seas.
And Heaven shall be the toy of my caprice,
And Hell shall groan and render up her spoil.”

To which Philip replies in these cynical yet immortal words :

“When, Alexander? Alexander, when?”

This line was omitted by Mr. Löwenbaum on the first night—possibly because he feared the effect which reiteration of another actor-manager's name would have on the audience. Mr. Löwenbaum also omitted the great line spoken by Olympias when she sees Philip's dead body :

“I did not know the dead could have cold feet,”
and the immortal simile :

“Great Babylon is babbling in old age,
And Nineveh nods like a grandmother,
Who warms her withered shanks athwart a flame.”

Mr. Löwenbaum, in his reply, called the lines padding—surely a dangerous remark from one who has played the part of Falstaff. He also condemned the prologue, which was a caustic

commentary on the dryness of modern poetry spoken by Zeus, Athena, Poseidon (who was especially nasty to Mr. Rudyard Kipling), and Aphrodite (who didn't think great things of Mr. Richard le Gallienne). Personally I thought that the last lines spoken by Zeus were excellent :

"The cup ! bright Gunnymede ! Ah ! from the
first

The minor poet caused the major thirst."

And some of the lyrics which Mr. Löwenbaum also quite arbitrarily removed were beautiful. Philip's confession of faith, for instance, spoken after the banquet, ("swaying gently" is the stage direction) :

"I hold it true, whate'er befall,
And if I don't, may I be shot !
'Tis better to have loved a lot
Than never to have loved at all."

And the lyric sung by the servant-maid to her pet ostrich :

“Fly, little birdie, over the sea,
And bring my lover back to me :
Though he be perjured, I be true,
And if he runs, why, so can you.”

In fact, Mr. Löwenbaum certainly seems to have exceeded his rights, for though during the rehearsals of the play he was careful to repeat all these golden verses, yet on the first night he left them out altogether. Can it be that he observed Mr. George Bernard Shaw's minatory eye in the gallery?

Be this as it may (to adopt the beautiful prose style of the solicitor's clerk), the fact remains that Mr. Pilchard was greatly grieved by the strange behaviour of an actor-manager who had been until this regrettable moment the ideal *entrepreneur* of his ambition, and he commenced an action against Mr. Löwenbaum, claiming damages for mutilation, distortion, and omission of some of the most salient passages in

his play. The action proceeded rapidly (for an action) through the preliminary stages and was set down for trial. Mr. Augustine Birrell, K.C., the learned and witty author of *Obiter Dicta*, and Mr. Shinnock appeared for the plaintiff. The late Mr. W. S. Gilbert, author of the charming and immortal *Bab Ballads*, and the too-seldom-heard libretti to Sullivan's operas, was made a King's Counsel for the occasion, and appeared with Mr. H. B. Irving for the defendant. The case attracted considerable attention, most of the witnesses called on both sides enjoying more or less celebrity. I was enabled to be in Court throughout the trial, and took careful but informal notes of the evidence, with comments on the personal appearance of the witnesses. I need scarcely add that the case was tried before Mr. Justice Smyles and a special jury.

CHAPTER VII

HOW TO REPORT A CASE

*Pilchard v. Löwenbaum, before Smyles J. and a
Special Jury*

ACTION by playwright against actor-manager who had cut, wounded, and otherwise mutilated certain lines, tropes and metaphors belonging to and written by the said playwright.

For the Plaintiff . . . *Birrell K.C. and Shinnock.*
For the Defendant . . . *W. S. Gilbert K.C. and
H. B. Irving.*

Birrell, K.C., in opening the case, commented on its important nature, as representing the old quarrel between the poet whose art was *per se* eternal, and the reciter or actor of his poems

whose art was temporary, trashy, and fleeting. (Sensation in gallery, where the company of The Unique Theatre had been accommodated with seats.) The plaintiff, Counsel continued, was a bard of some eminence, and though he had the appearance of youth, his experience and long record of success must not therefore be forgotten by the jury.

The Judge. It is impossible for an immortal to look old, Mr. Birrell? Is that your opinion?

Birrell, K.C. Quite, my lord, quite. Continuing, the learned Counsel said that the facts of the case were sufficiently plain; indeed, the defendant to the best of his belief admitted that he had left out many of Mr. Pilchard's lines on the first night of the production of *Philip of Macedon*, and the point at issue, therefore, was—were the lines valuable, and did Mr. Löwenbaum do

Mr. Pilchard a serious artistic injury by omitting them? Counsel hoped to call witnesses whose evidence would convince the jury that this was the true deduction to be drawn. Not that, in his opinion, there was need of witnesses, for to any student of poetry, indeed to any sensible man, it was obvious that Mr. Pilchard had been shockingly maltreated. The practice of pruning a man's play to suit the Procrustean couch of any actor's idiosyncrasy was as old as it was dishonourable. It had happened, probably, to Sophocles; no doubt it had happened to Shakespeare, who, in his LXVIth sonnet has a bitter remark about Art made tongue-tied by Authority. Some, of course, were of opinion that this complaint referred to the Censor, but he himself believed it to be aimed at the Actor-Manager. Goethe, in 1795, too——

At this point the foreman of the jury, a person in a frock-coat who was afterwards discovered to be called Gosse, leant forward and murmured "1796, New Style," and was instantly called to order by the usher.

Continuing, Counsel said that it was obviously unnecessary to quote further examples to so erudite a jury, and that he was unwilling to waste the time of the Court. (Mr. Andrew Lang, who up to this point had been dreaming of the 1745 period in the back row of the jury-box, woke up and said "Hear, hear.") The questions to be decided by the jury were, first: was Mr. Pilchard truly a poet? and, secondly, if Mr. Pilchard was truly a poet had a mere mummer (hisses, suppressed)—he used the word in no derogatory sense, but for alliterative purposes—a mere pantomimus or jongleur any right to garble the divine and immortal

phrases that drifted down from the sunlit heights of Parnassus to the lamplit depths of The Unique Theatre? (The learned Counsel resumed his seat amid ironical applause from Mr. Bernard Shaw and Miss Marie Lloyd.) Mr. Simon Pilchard was called.

Counsel. You are Mr. Simon Pilchard, the great poet?

Witness. I am.

[Mr. W. S. Gilbert (*sotto voce*):

Then let me own
I'm a poetic sham.]

Counsel. You are the author of many dramas, the last of which is *Philip of Macedon*, produced by the defendant on Saturday, November 5, 1904?

Witness. I am. I also wrote "Rousseau," "Benjamin Franklin," and many other poetic rhapsodies.

[Mr. Bernard Shaw. Shame!

Mr. Sidney Colvin. Hail, poet!

Mr. A. B. Walkley. Χαῖρε. Macte virtute, puer!]

The Judge. Are you not the author of the "Epic of Hades"?

Witness (with extreme emotion). No. Are you? (Sensation.)

Birrell, K.C. Now, Mr. Pilchard, will you kindly tell my lord and the jury about your previous relations with the defendant.

Witness. He was a true friend in life, and in drama the Philip of my dreams.

The Judge. Were they pleasant dreams or nightmares, Mr. Pilchard?

(Applause from Mr. Arthur Symons.)

Witness. They were flushed faint with the fine air of dawn.

[Mr. Gilbert (*piano*):

Sing pooh to you, boo-hoo to you, and that's what I should say.]

Counsel. I need not waste time in continuing to prove to you that Mr. Pilchard is a poet.

Cross-examined by Mr. Gilbert, the plaintiff admitted that he could not think of a rhyme to jocular sausages. He had studied the English drama in all its forms.

Counsel. Poor young man. Have you ever seen *Patience*? Be careful how you answer.

Witness. Yes. And on the occasion when I saw the opera of that name it seemed to me that the *Patience* displayed by the actors was nothing to that exhibited by the audience.

Counsel. Do you deny that the character of Rousseau in your earlier play is a feeble imitation of the Duke of Plaza Toro in *The Gondoliers*?

Witness. Yea. . . Your beastly *Bab Ballads* are cribbed from Dionysus the Areopagite.

Mr. A. B. Walkley. Dionysius!
Dionysius!

Witness. Dionysius the Areopagite.
(To the Judge) My lord, I pray you
quench his insulting heat. His eyes
are like two beacons that devour.

The Judge. *Scintillæ juris*, merely.
Let him rave.

Witness:

O ye immortal Gods, be witness how
Pilchard the immortal poet doth abide
In the lewd tumult of the fetid Court.

Counsel:

You see the kind of bad blank verse he talks,
Gentlemen of the jury. Oh great Gosse,
Stevenson's friend, Librarian of Lords,
Critical Kitcat, will you suffer this?—
Confound it all, I've caught the plague myself.

(Sits.)

The next witness, a mysterious male
figure, wore a mask as he gave his
evidence.

Counsel. You are the Censor of Plays?

Witness. Yes.

Counsel. Do you know anything about the modern drama?

Witness. No.

Counsel. Do you know anything about the classical drama?

Witness. No. Oh yes, I remember; I read the *Bacchæ* of Euripides when I was a boy.

Counsel. In what place did you read it?

Witness. In Bohn's translations.
(Sensation.)

The Judge. What is read in the Bohn will come out in the witness-box.

Counsel. Quite, my lord, quite. Do you know anything about the Elizabethan and Restoration drama? Have you read Shakespeare?

Witness was understood to murmur

that he did not quite catch the last-mentioned name.

Counsel (loudly). Shakespeare.

Witness. Oh! Shakespeare. No.

Counsel. Have you ever found anything in the plaintiff's plays that could rightly be omitted?

Witness. I was about to forbid the performance of a play by him called *David and Bathsheba*, but he changed the names of the principal characters to Dan and Beersheba, so I could do nothing.

Counsel. You never regarded Mr. Pilchard as a dangerous writer?

Witness. Never. I forgot all about him as soon as I had looked at his manuscripts. In fact, I thought he was a writer of musical comedy. I pass all musical comedy.

Counsel. What sort of plays do you not pass?

Witness. Oh, plays by foreign writers

with a European celebrity. I stopped Mæterlinck's *Monna Vanna*. I believe in protection.

Mr. Gilbert did not cross-examine the Censor. The next witness was Mr. Sidney Colvin.¹ He said that he had been a great friend of Robert Louis Stevenson, and that the plaintiff was as immortal as the sun and moon. He was followed by Mr. William Archer, who said that the plaintiff combined the qualities of Æschylus, Sophocles, Euripides, Aristophanes, Menander, Marlowe, Shakespeare, Sardou, and Alexandre Dumas the younger. He also remarked that the plaintiff was as immortal as the sun and moon and Ibsen.

Mr. W. B. Yeats was the next witness.

Counsel. You are Mr. William Butler Yeats, the poet?

Witness. Ceadrigh og Malarv.

Counsel. Speak up.

¹ Now, luckily, Sir Sidney.

Witness. Du ceadrigh ap bhuol-draich.

Here Mr. George Moore arose in the well of the Court and explained that the members of the Young Celtic School were forbidden to speak English. He was permitted to escort Mr. Yeats out of Court on undertaking to see him safely into a four-wheeler. Mr. Max Beerbohm, who attracted all eyes by the length of his frock-coat and the melancholy of his expression, then gave his evidence.

Counsel. You are a half-brother of Mr. Beerbohm Tree,¹ the famous actor-manager?

Witness. No. Beerbohm Tree is my half-brother.

Counsel. You are the dramatic critic of the *Saturday Review*?

Witness (with a sigh). I am. But I model my prose on that of the late Walter Pater. Often, however, I am

¹ Now, gloriously, Sir Beerbohm.

bored by the so sedulous ritual of his pages.

Counsel. Did you write a criticism of *Philip of Macedon*?

Witness. I have written criticisms of all the plays of Mr. Pilchard which were not produced at His Majesty's Theatre. I found them a fair antidote to the tedium of the twain of hours betwixt dinner and supper. Continuing, witness said that he cared little for tragedy of this kind. He preferred the more obvious humours of melodrama, or the sombre pathos of modern musical comedy. It was his ambition to resuscitate the old style of music hall. It might be that he saw a possible ally in the plaintiff. He made the remarkable statement that most of the best acting in England was done by mermaids. He referred to the Mermaid Society.

The Judge. Dear me! At that

theatre, at any rate, there must always be a *queue*.

(Great laughter, during which Mr. W. S. Gilbert was observed to sing "We've got him on the list, we've got him on the list." The song touches on the attractions of judicial humour.)

Mr. George Bernard Shaw was the next witness. He was clad in a toga of yellow Harris tweed, and wore the red tie of anarchy and a little wreath of laurel.

Counsel. You are Mr. George Bernard Shaw?

Witness. I have that honour,

Counsel. You have some experience of dramatic writing?

Witness. Yes: I admit that I was once a dramatic critic, but since then I have learnt a great deal.

Counsel. In your opinion, what constitutes a play?

Witness. The platitudes of socialism are the chief ingredient. The modern audience regards them as paradoxes. Continuing, witness said that he wrote plays in order that he might enjoy the felicity of hearing the audience laugh at the wrong moment.

Counsel. Have you written poetic drama?

Witness. Yes; I wrote the *Admirable Bashville*, a trifle. I rank it between *King Lear* and *Hamlet*. I have no illusions as to its merits. It seems to me rather poor stuff.

Counsel. Will you briefly give me your opinion of the plaintiff's dramas?

Witness. I think they are clotted nonsense. (Sensation.)

Plaintiff. You would.

Counsel. What is your reason for this opinion?

Witness. The plaintiff thinks that love is properly indicated by a man in

tin armour clanking round and round a hysterical female in gradually narrowing circles. Every one who has read my plays and prefaces knows that this kind of sentimentalism is the most suburban form of mutual lunacy.

Counsel. What is your opinion as to the relative merits of the plaintiff and Shakespeare?

Witness. I regard them as equally ignoble.

Counsel. That is, you regard them as equally meritorious dramatists?

Witness. Yes, if you like to put it that way. It is true that Shakespeare, living in that purblind Elizabethan epoch, hadn't the opportunity of becoming a Shavian. Mr. Pilchard has had the chance and missed it. I should be glad, sir, if you would ask me no more questions. I have to attend a vestry meeting at Primrose Hill.

Mr. Gilbert, K.C., rose to cross-examine Mr. Shaw.

Counsel. Why do you look like that? Do your boots hurt?

Witness. ——?

Counsel. Have you ever been bitten in the stomach by a mad monkey?

Witness. ——? ——? ——?

Counsel. I will not trouble you further, Mr. Shaw.

(Mr. Shaw nods to the judge and retires.)

Mr. G. K. Chesterton, who once wrote an essay on Edmond Rostand, the French dramatist, then rose to give his evidence, but he spoke so fast that I was unable to hear what he said. I gathered that he drew some startling comparisons between the plaintiff and red toadstools in the New Forest, and that, when the judge asked him a question, he replied gaily, "Tra la la, tra la la, tra la la la la la la."

This closed the case for the plaintiff. Mr. W. S. Gilbert, K.C., after briefly alluding to the counsel and witnesses for the plaintiff as dangerous madmen, called the defendant, who was examined by Mr. H. B. Irving.

Mr. Löwenbaum, who was dressed in the manner of a rake of the Regency period, and stood in his tenth or theatrical garden-party attitude, said that he was the manager of The Unique Theatre. He had long believed in the plaintiff as a medium for introducing the classics, and possibly the Scriptures, to the million. He believed in the ennobling influence of the drama, even when it was poetry. (Sensation.) The Swan of Avon—he alluded, of course, to the mighty-mouthed Shakespeare—had at last come to his own nest at The Unique Theatre. So had David Belasco and John Luther Long, the immortal Americans. (Loud cheers

from the company of The Unique Theatre.)

Counsel. For what reason did you omit the more obviously blatant passages of *Philip of Macedon*?

Witness. In the interest of my dear public, the dear public that has to catch a train to its cosy but distant home. *Philip of Macedon*, unexpurgated, would have ended at two in the morning. (Groans.) Simon is a good lad, a good lad—but, oh Lord! prolix, prolix as the meandering measures of the snail. For I love the public. Let others produce the plays of my country, but let me ensure my country's comfort. What I aim at is a feast to the eye, no effort to the intellect, and bed at midnight even for the dwellers in Walham Green. I was sorry to curtail Simon's periods, but before the many one must bow. That is the motto of every successful actor-manager. The one who bows is the author.

Counsel (to the Judge). I congratulate the plaintiff on the fact that your lordship is not Judge Jeffreys. Before him, a play that ended at two in the morning would have been a hanging matter.

The Judge. You mean that the time would have hung heavily on the audience's hands. (Enormous applause.)

Mr. Arthur Symons is called.

Counsel. You are a critic?

Witness. And a poet. I wrote *London Nights*.

(Ladies in the gallery faint unanimously.)

Counsel. What do you think of the plaintiff's plays?

Witness. I mark them not. . . . He is Tennyson and sugar. He reminds me of the poet Bunn. Give me d'Annunzio. Give me Verlaine. Give me any one but Mr. Pilchard. The late Ernest Dowson is the only modern English

immortal. I have been faithful to him after my fashion.

Counsel. Thank you, Mr. Symons.

Witness. Don't mention it. (Retires.)

Mr. Birrell, who had begun to read one of the romances of Jane Austen before Mr. Löwenbaum gave his evidence, showed no inclination for further exertions. Mr. Gilbert, K.C., left the Court arm-in-arm with Mr. Symons, and the learned Judge proceeded to sum up. Mr. Justice Smyles said that the only fact that the jury need consider seriously was this : namely, whether if Mr. Löwenbaum had not curtailed the play the audience would have had time to catch the 11.15 to Peckham. All questions of *Æsthetics* were out of place in a court of justice—at any rate in a court where special juries were concerned. The question was whether on this particular evening the inhabitants of St. John's Wood

would have been able, if the play had not been curtailed, to see their Wood for the Trees.¹ (Loud laughter.) The suburb of Hampstead was important on these occasions, but there was another suburb more important still, to which the minds of all playgoers turn at 11 o'clock p.m. He alluded to the suburb of Bedstead. (Immense laughter. Usher carried out in convulsions.) But though hitherto he might have seemed to be summing up in the defendant's favour, the jury must remember that the curtailing of the plaintiff's play might seriously damage it in the eyes of the critics, who were the watchdogs, so to speak, of posterity. Their bark might be noisier than their bite, but they were important. Mr. Pilchard, to judge from his poetic cloak and his serious

¹ Possibly a punning allusion to the third syllable of defendant's name.

demeanour, conceived himself to be writing for posterity, and it was even possible that posterity might read him. The learned judge then thanked the Court for its well-timed applause, and made a laughable allusion to the spectators in the gallery.

The jury, without retiring, returned a verdict for the plaintiff, and assessed the damages at one trouser-button. On being informed that trouser-buttons, except in ecclesiastical edifices, were not current coin, they awarded Mr. Pilchard the usual farthing. No costs.

Such is a true and faithful report of the evidence in *Pilchard v. Löwenbaum* (2 K.B.D. 1905).

CHAPTER VIII

THE BREACH OF PROMISE ACTION

ALL the cultured will remember the brilliant series of romances which was given to the world in the name of Flora Macginnis, and the impenetrable armour-plating of mystery which enfolded the personality of the author. The wildest theories as to her identity were advanced by the more sensational literary papers ; the *Ath-n-m* asserting that she was the Duchess of Caithness (her Grace, it will be remembered, once edited *The Tea Cosy*), and the *Sp-ct-tor* being positive that she was a braw Hielan' lassie who tended her flock of seals on the sombre shores of Dornoch Firth. All

the usual lures which are dangled before the successful author were offered in vain to Miss Macginnis; she was undazzled by the prospect of publishers' tea-parties in Vigo Street or literary lunches at the Lyceum Club with cigarettes to follow. Only her own publisher knew her, and he was under an oath to guard her privacy. It was worth his while. He would answer no questions, but admitted that she lived on an island not far from the north coast of Scotland—and that she was a very remarkable woman.

Mr. Albert Pomander was a poet with a hard, gem-like, flaming soul, and a head of hair that resembled a prize chrysanthemum. He was celebrated even in the provinces; he was beautiful, he was young, and he always went into a sixth edition. All was very well with him until the fatal day when he began to read the romances of Flora Macginnis. He read them all, from *The*

Pibroch of Ballater to the *Wandering Sporrán of Balmoral*, and then he clasped his passionate head in his nervous fingers and wept floods of happy tears. Having performed this function he took up his fountain pen and wrote this note :

" OLYMPUS,

" BEDFORD PARK, S.E.,

" Mr. Pomander presents his compliments to Miss Flora Macginnis, and begs her acceptance of his volume of poems, *Deliriums, a London Idyll*, which he offers as a slight return for the pleasure which he has received from reading 'her complete works.'"

He sent this note, with the book, to Flora's publisher, and in due course received the following reply :

" MOSS HAGGS,

" EILAN RHÒN,

" ARCTIC OCEAN.

" Miss Flora Macginnis begs to thank Mr. Pomander very much for

the beautiful poems. There is only one line of which she cannot make sense—p. 440, 'A hobnailed lover laid him low.' Miss McG. sees the drift of the poet's thought—*i.e.* that he was attacked by a rustic rival—but 'hob-nailed lover' is a very daring though brilliant use of English."

The poet lost no time in answering this criticism.

"c/o VIPER & Co.,

"LAIR STREET, W.

"DEAR MISS MACGINNIS,—Please forgive this sad, commercial paper. I write in my publisher's office. The word is a misprint; it should be *liver*, not *lover*. How beautiful your address is! I enclose my volume entitled *Pranks amid Patchouli*. But I fear it will savour too much of late mid-nights and famishing morrows to be in harmony with your pure ice-born air.

"Yours very truly, A. P."

An answer came by return of post, *i.e.* in a fortnight.

“MY DEAR MR. POMANDER” (it said),—“How little you know me! Ah, if I had been a man, that is the life I would have led! How you have lived! Yet you are so young, so young! I saw your photograph in the *Literary World* (we are all Nonconformists here except me, and I am a nonconformist in a sense, for I worship only the red sun and the wild white moon), but I will not say what I think of it. How I envy you your youth, your hair, your purple life! You pass with laughing lips from rose to rose, whereas I, though still young (24 last birthday), feel that sad sense of attainment which comes from having written fourteen books, all with big editions in America. Dear friend—may I call you that?—if you are ever passing here on your

way to Reykeyvik, perhaps you will wave to me from the boat, and I shall see you drift gradually away into the setting sun, and 'all the wonder of the stars.' You see that I know your poetry.

F. M."

When Mr. Pomander had read this letter he sprang from his chair and began to walk excitedly to and fro. "God of Parnassus! She is wonderful!" he cried. Then he wrote to her.

"FLORA,—You ask me if you may call me friend. Dear Lady, call me anything you will—foe, friend, or even Albert ('tis my name). From such as use conventions shrink reprovèd; our souls are like twin stars that rush together. Oh, Flora, Flora, flower of the wild waste sea; I hunger for your gentle voice and hands!

"P.S.—I enclose *Grief and a Grisette*, *Pantaloons*, and *Girlie-Girlies*."

When he had finished the letter he noticed that it was in blank verse, but he did not rewrite it. The answer came in a telegram some days later.

“DEAR, DEAR ALBERT,—I adore *Pantaloons*. Slanch ava!”

Mr. Pomander's aunt opened the telegram in his absence, was immediately visited with a dangerous and painful attack of hysteria, and removed his name from her will. Mr. Pomander sent off *Posies from Covent Garden Ball*, *Papillons de Montmartre*, and *Memories of the Moulin Rouge* (privately printed). Then he wrote this letter :

“DEAR ONE,—I must see you, touch you. Will you marry me? Marriage is an empty form where souls like ours are concerned, but if you insist on it, I will gladly acquiesce. Flora, I love you. Dear, shy, sweet island maiden

with a man's genius, I adore your sun-kissed brow and rain-washed neck and ankles. I dream of you reclining on your native whins, thinking grave and beautiful thoughts. I yearn for you as Tristan yearned for Isolde and Paolo for Francesca and Abelard for Héloïse. I have flung roses, roses riotously with the throng, but my heart is unsoiled. I am like Alfred de Musset in that. O flower of the Northern sea, let me come to gather you.—ALBERT.”

To which Flora replied :

“ DEAREST,—You are perfect. I adore you. There is one awful drawback. If you see me you will realize it. Do nothing rash. But I am yours eternally.”

Mr. Pomander was puzzled by this letter. “Is it possible? Can she be plain?” he thought. Then he read a chapter of self-description in one of

her books which was avowedly autobiographical, and was comforted. "A pale, passionate face," it said, "with dark hair drifting low on the broad white brow, sad sweet lips and a neck of ivory." This seemed good enough, and he went round to Cook's office.

Later, he telegraphed: "I am coming to gather you, fair flower of the North."

The answer (in a day or two), was: "Come at your peril."

"She means the sea, I suppose," thought Mr. Pomander, "and certainly I am a wretched sailor. Or she may be married. But what mere husband shall dare to come between us!" He took a train to the extreme North of Scotland, and there embarked on a ship. The ship was small and dirty, the sea was very rough, and Mr. Pomander thought many times that he was on the point of death, and wept

when he imagined the world's loss. At last, late in an afternoon that was dark with fog and rain, the captain informed him that they were approaching Eilan Rhôn. Soon afterwards he perceived a desolate shore with a small pier of grey stone projecting from it into the sea. The steamer, after many interesting and dangerous evolutions, lay alongside the pier, and two planks were thrust from her deck as a gangway for Mr. Pomander.

Before landing, he looked along the pier to see if an eager female form was hurrying forward to meet him; but there was no sign of life anywhere; he might have been landing on a desert island. He picked up his bag and walked gingerly along the planks. The wind howled, the rain poured in torrents, the dismal grey sea danced up and down, night was advancing rapidly, and he knew that his hair was out of

curl. As he stepped on to the wet stones, however, he heard a shout, and a moment later a huge figure in yellow oilskins came running down the pier. Mr. Pomander went to meet it.

"I beg your pardon," he said politely, "can you tell me——" But the figure, which belonged to an immense man with fiery eyes and a vast red beard, plunged past him and hailed the captain of the steamer.

"Bide a wee, mon!" he shouted (or words to that effect). "There's a bit cargo ye can tak' along wi' ye." Then he came back to Mr. Pomander. "Eh, mon!" he said. "What are ye doing on Eilan Rhôn on sich a nicht?"

"I have come on a visit," said Mr. Pomander. "Can you tell me where Miss Flora Macginnis lives?"

The huge man gave a shout of surprise, and peered through the dusk at Mr. Pomander

"Is it Mr. Pomander?" he asked very solemnly. Mr. Pomander nodded. This was evidently some faithful retainer belonging to his Flora. But the huge man continued his inspection, and then began to chuckle.

"It's the mon hisself!" he said. "I've seen your photographs." He struck an attitude, and smote his bosom loudly. "Eh, ye puir damned bleethering philanderer, let this be a lesson to ye," he cried. "*I* am Flora Macginnis!"

Mr. Pomander's heart sank abruptly. "You, you old satyr!" he shouted. "Don't try to work off any of your bestial Scotch humour on me! I insist on being taken to the house of Miss Macginnis at once!"

The red-bearded monster uttered a beast-like yell, seized Mr. Pomander by the scruff of his neck and the hinder parts of his trousers, and ran him with

incredible swiftness along the gangway into the steamer. Then he bounded back to the pier, hurled Mr. Pomander's bag into the vessel, kicked the planks into the sea, and vanished into the night.

Such are the facts of this distressing affair. When Mr. Pomander returned to London he entered an action for breach of promise of marriage against Miss Flora Macginnis. The case was heard by Mr. Justice Foozle and a special jury. Mr. Shinnock appeared on behalf of the plaintiff and Mr. Whales for the defendant, whilst Mr. Horatio Bottomley watched the case in the interests of public morality.

Shinnock (for the plaintiff). "At first sight it may seem prejudicial in the eyes of the jury that this case is a reversal of the usual order of things—that it is brought by a young man against a young woman. Facts, how-

ever, will show that no prejudice of this kind can be allowed to exist, for the defendant is not a young woman at all, but a man (sensation), and therefore there is nothing ungallant in the plaintiff's behaviour. But though the defendant is not a woman, is he therefore to be exempt from the penalty of having artfully posed as one, thereby inveigling the plaintiff into sending him presents, losing much time in fruitless emotion, and making a long, expensive and uncomfortable sea-voyage to no purpose? Gentlemen, the defendant posed as a woman, wrote like a woman, signed his books with a woman's name, used all the arts (arts with which, gentlemen, as men of the world, you are doubtless not unfamiliar) of a woman to entrap this poor generous-hearted youth—this poet, for he is a poet, gentlemen, and I am proud to be able to say it of him—to entrap

this romantic lad into giving him rare and choice works, to ensnare him, perhaps, ultimately in the toils of blackmail ! (I beg pardon, m'lud ? Going too far, m'lud ? Oh no, no, no, no. But as your ludship pleases. Quite, m'lud, quite.) Gentlemen, I demand damages against this rascally impostor—damages, for there can be no question of reparation by marriage between the parties to this action. He said he was a woman : very well ! let a British jury show him how it is accustomed to treat women of his type. Look at him, gentlemen, without seeing his red beard and his big feet and his masculine aspect ; regard him as some sly, serpentine, Parisian adventuress, who has maddened a susceptible brain and broken a faithful heart with her cold treachery and monstrous wiles. Think of him clothed in a hobble skirt, blazing with diamonds, wrapped

in priceless furs, and breathing out all the perfumes of seduction. If you do this, gentlemen, you will do your duty and bring in a verdict for the plaintiff—for the poor young poet whose faithful heart has been torn to pieces by the claws of this wanton and malicious siren and harpy. Gentlemen, I have done.”

After Mr. Shinnock's speech, one of the jury, a highly susceptible green-grocer, burst audibly into tears. When calm had been restored Mr. Whales rose to his feet.

Whales (for the defendant). So far from there being any damage done to the plaintiff by the defendant's amusing little joke, the plaintiff had actually derived benefit from it. He was a writer, an artist, and the one thing needful, the *sine qua non* to an artist's life, was experience, excitement, emotion. Mr. Pomander had obtained all the pro-

fessional advantages that ensued from falling in love, and had been spared the trouble, expense and inevitable disillusion of matrimony. As to the emotional crisis through which he had passed being damaging to his intellect, the jury had only to read his poems to realize that his life was one long sequence of such crises. There was another point : it was extremely doubtful whether Mr. Pomander contemplated marriage—in the full sense of that great term—with Miss Macginnis. Without wishing to cast any aspersions on the character of the plaintiff, counsel felt obliged to tell the jury that the first poem in Mr. Pomander's latest book began with the ominous words :

I am a man of blood and sin and crime.

The jury must draw their own conclusions from that piece of autobiography. He need only remind them of the sad

case of the Scotch poet Burns. Further on in the book Mr. Pomander wrote :

There are a thousand vampires in my soul,
And they must feast on beauty or be damned.

Was this the spirit in which a man should undertake a respectable courtship? Yet again, Mr. Pomander wrote :

Oh, curse convention !
'Tis the invention
Of bloodless fools ;
Rules, rules !
Rules of the schools,
Ye shall not keep *me* in detention !

From which wild and anarchical outburst the jury could see that Mr. Pomander knew no law, but was even as the beasts that perish. Even if Miss Flora Macginnis had really been the shy Northern maiden that she was supposed to be, what chance of domestic felicity would she have had with a man of this sinister type? If there had in truth been an en-

gagement between them, would she not have been perfectly justified in breaking it off when she realized the previous history—mental rather than real perhaps, but a poet's life is the life of the mind—of her lover? The fact was that the only real damage that Mr. Pomander had suffered was damage to his pocket from travelling expenses, and—if the jury would forgive the expression—damage to his stomach from the qualms of nausea. But he had wilfully incurred the former, against the telegraphic advice of the defendant; and as for the latter—every one knew that moderate sea-sickness, though unpleasant at the time of its occurrence, was actually beneficial to the system. He submitted that there was no evidence of any damage which was not wilfully self-inflicted by the plaintiff, and he exhorted the jury to exonerate the defendant—a rough, humorous son of the mountains and seas who

detested the amorous butterflies of an exotic city life and wanted to teach one of them a lesson—to exonerate this honest fellow from all blame.

Foosle, J. Baa. In my opinion each of the learned counsel engaged in the case has missed the true point at issue. ("Hear, hear," from Mr. Bottomley.) Baa. The true point at issue in my opinion is: Would or would not the plaintiff have profited by the union of his own soul with that of another writer? The marriages of geniuses are primarily intellectual affairs. Baa, baa. So that the fact that the defendant is a man seems to me immaterial. I suggest that the learned counsel engaged in the case confer together with a view to arranging for the future collaboration of the plaintiff and the defendant in all their works. This will be, in effect, a spiritual marriage which should satisfy all parties. Baa. Baa. Atishoo.

The learned counsel then withdrew to confer. On returning into court they announced that they could come to no agreement, for the plaintiff objected to the defendant's prose style and the defendant objected to the plaintiff's morality. The jury were then directed to consider their verdict.

Verdict for the *plaintiff*. Damages a bawbee (sterling). Costs divided.

SOLICITORS :

For the plaintiff: *The Incorporated Society of Authors.*

For the defendant : *Colkitto, Macdonnel & Galasp, Largs, N.B.*

CHAPTER IX

CONCLUSION

NEMO repente turpissimus fuit has been translated by a certain cynic—*it takes five years to become a solicitor*. Perhaps with equal truth (and falsehood) it might be rendered—*three years are occupied in becoming a barrister*. With such thrilling circumstances as I have endeavoured to describe in the preceding pages of this handbook for students my epoch of apprenticeship was occupied.

And now—and now the curious and often tedious period is over. No longer do I handle briefs with delicate non-chalance; no longer do I lean wearily on the desk and watch the mobile features of the Master; no longer in

the Courts do I yawn over the details of costs, or smile at the painful writhings of witnesses or the solemn stupor of the jury. In a word, the activities of practice are not mine to share. I have joined the great majority. My name is written in the Law List so that he who attorns may read. I am a barrister-at-law.

The last scene of my student days—the scene that heralded my departure from active life—was not unamusing. Some thirty students, clad in all the mournful glory of brand-new wig and gown, waited on a sunny afternoon in the Hall of our Inn until the majestic assembly of the Benchers was ready to inspect us. The spectacle, as I said, was amusing; most of the students had a curious air of having put on some fantastic fancy dress, and one and all put their hands in their pockets and attempted gallantly to appear at ease.

The sunlight filtered warmly through the gules and azure pageantry of the high windows, and lit up the pale or dusky faces of the destined victims below. How many bright young lives were dedicating themselves that day to silence and obscurity! Of all these ardent souls how few, comparatively speaking, would become Lord Chancellors! how many might have sacrificed nobler destinies on the grim altar of the Law! . . . One, at least, I knew who might have attained to the divine honours of the Poet Laureate. A sentence of that immortal and complacent book, the *Autobiography of Gibbon*, returned to my memory: *Nature had not endowed me*, wrote the great historian of the Roman decadence, *with the bold and ready eloquence which makes itself heard amidst the tumult of the bar, and I should probably have been diverted from the labour of*

literature without acquiring the fame and fortune of a successful pleader.

Ah! should I not have done better to ensue his example? Had I not forsaken the bright phantom of my earlier ambition only to follow another phantom, equally illusory, but how dim and hideous! But for the fact that my attire would have been absurdly incongruous with such an action, I could have wept over the ashes of the mighty Might-have-been.

At length a sympathetic servitor of the Inn put a period to our suspense. We were led into a large airy room in that secret portion of the building which was sacred to the awful conclaves of those who had grown grey, and even obese, in the service of the Law. There, amid the frowning busts of dead Serjeants and forgotten Barons of the Exchequer, we were marshalled in order of seniority, and then we filed,

a long and sombre band, back again to the Hall. The Benchers, headed by the Treasurer of the Inn, were awaiting us. Their appearance was reassuring; they smiled and looked kindly, or else they appeared exceedingly bored. Boredom, at any rate, is a human attribute. None the less I was reminded of the immolation of those who dedicated their lives to the austerities of La Trappe or the Chartreuse, and my gown seemed the shroud of the monastic neophyte. It was a relief when the Treasurer began his speech. He alluded in glowing language to the scholastic triumphs of the senior student (who contrived to look during the progress of these remarks exactly as if he were about to be hanged), and then he spoke sternly of the duties and privileges of the profession. . . . I noticed that he found more to say about the duties than about the privileges. His peroration

dealt with the moral aspect of the legal life, and seemed to me a fine example of optimism. . . . We all felt better after his speech. If it was a shade pompous, it was full of kindness, and I admit that I was young and foolish enough to feel a thrill of pleasure when I discovered that a man may be an enormously successful Chancery barrister and yet preserve his sympathy with youth. It had never occurred to me that this could be possible.

The rules of the Inn obliged the newly-made Barristers to dine in Hall that night clad in all their panoply. Williams and two other acquaintances supported me. I use the phrase metaphorically, for after dinner it was I who, literally, supported Williams. They drank a great deal of wine (sweet champagne which tasted oddly of Germany) and were cheaply facetious at the expense of their learned friend,

as they called me. The scene, after the expiration of a couple of hours, reminded me of those mysterious rejoicings of the Schoolmen at Oxford which are known as Bump Suppers, presumably because every one tumbles up or down stairs after sharing in their deafening pleasures. Many enthusiastic young gentlemen arose, tried to make speeches, and failed owing to the interposition of their friends, or from other causes. Worse still, many voluble gentlemen arose, tried to make speeches, and succeeded. More than ever the scene became a combination of a fancy-dress dance and the Moore and Burgess minstrels. At last we departed, and saw Williams into a hansom. I regret to say that we directed the driver to take him to the Zoological Gardens in Regent's Park. . . . I heard afterwards that the keepers of that place received him without enthusiasm.

It was done: the Rubicon was crossed. As I leant from my window that night and contemplated the furtive eyes of the stars, I realized that another great milestone was erected on the road of my life. My careless youth was over: I was a member of a profession which people who know nothing about it are wont to call learned. On the next day perhaps the aching responsibilities of my new life would begin to descend upon me; the solicitors would jostle each other at my door, I should hold conferences with the wise and consultations with the subtle . . . The thought was fascinating, yet intolerable. . . . Slowly I took off my wig and gown. A large brown bag, well covered with the labels of many foreign hotels, suddenly became perceptible in the gloom. . . . I watched it; I hesitated. At length I packed, calmly, coldly, carefully.

Next day I caught the 1.30 train at Charing Cross. If any solicitors were present at Dover or Calais to prevent my departure I evaded them successfully, and early in the following day I was thundering eastward where the factories of Mulhausen breathe their smoke across the great plain that lies before Bâle.

APPENDIX A

LIVING IN THE TEMPLE

(With acknowledgments to the Editor of "The Literary Gent.")

THERE are some who assert that the dwellers in the Inns of Court are the most ill-advised of all mortals. Such people will tell you terrible legends of aged men who lived forgotten and died forlorn in Temple Chambers, of water famines, of the dearth in baths, of the microbes that lurk in these brown and crumbling walls. To such croakers I reply with nothing but the smile of scorn. The Temple seems to me of all abodes the most desirable. The mere fact of living in a calm backwater of the whirling torrent called Fleet Street possesses all the fascination of an extraordinary romance, and when, anchored in this haven, one thinks of the tawdry comforts of those triumphs of cheap labour and meaningless decorations

which are known as flats, or draws a mental picture of the wretched state of married friends who live in houses at the mercy of any irresponsible plumber, one may be forgiven for a little thrill of selfish satisfaction.

I can pardon, though I cannot approve of, those married folk who have elected to shun the snare of complete domesticity, and instead to reside in Temple chambers. One can pardon them, for their behaviour argues that some faint residue of the great primeval vagabond spirit still stirs in their blood: to be married, and yet not to be suburban—this is indeed a triumph for the comparatively young; and the dweller in the Temple will always claim kinship with the nomad in his tent. But none the less I cannot approve of the presence of these wedded folk; as a general rule I dislike a woman's touch on the piano, and the mere presence of the opposite sex has a strange effect on the comfortable, dingy, celibate air of the Temple, like a sun ray in a photographer's darkened room.

Also do I resent most heartily the presence in the Temple of those who are not Barristers or at least members of the Inns of Court. Is it not monstrous that we who have borne

the dignity of legal robes and the indignity of reiterated legal examinations should be unable to dwell in our own precincts because the abodes of the blessed are already occupied by unlearned and interloping aliens? Was I not myself goaded well-nigh to red madness by the proximity of a vile musician who played the flute in the X Orchestra? Was not poor Jones of Gray's Inn driven to exile and so to matrimony by an eccentric stranger who filled the rooms above those occupied by my friend with a colony of intelligent parrots? The one consolation that the Bar has to offer its disappointed votaries is the right of dwelling in these august and memorable walls; why then should any hireling of Fleet Street be allowed not merely to share, but to anticipate our right? I protest against the presence of solicitors in the Temple. It is scarcely decent; and also, they know far too much about Law. I loathe the merry Government official who makes the Temple his residence because of the daily walk to and fro along the Embankment; the only alien I would tolerate in these walls is the architect. He is, or should be, something of an artist, and the environment is suitable to such folk. The

artist of any kind is of course the ideal dweller in the Temple. Some day, when the whole practice of law has lapsed into the eager hands of the junior branch of the profession, I hope to see all the Inns of Court preserved as Prytanea for the true Knights of Beauty the poet, the painter, the cunning artificer in gold and jewels—is it not prophetic that part of the Temple is already known as Goldsmith Building?—the architect who serves the London County Council, but not, oh, not the executant musician; at least the musician shall have an Inn of Court to himself. For the artistic temperament Gray's Inn or the Temple are better adapted than the flat-ruined purlieus of Chelsea or the sleek novelty of St. John's Wood.

Good it is at times to dwell within these brown clusters of all kinds of architecture; good when the summer has come, and the gardens are bright with flowers and the pigeons murmur about the cool fountain; good in the wild October evenings when the great wind sweeps up the river and booms through archway and lane, and the lamps flicker and turn blue. But if you would know the sober antique warren at its best you must visit it in the end of August or beginning of

September, when our legal machinery is arrested so that judges may slay grouse, when the barrister's clerk departs at 1 o'clock, and only the religious and misanthropic feline is left to wake the echoes around the Temple Church. It is then that the Temple assumes its most enthralling aspect. A mysterious loneliness broods over it. The little laws and lives of men, one feels, are nothing to its far-seeing, stupendous antiquity, and the vague roar of Fleet Street is only as the noise of a faint sea beating on the shores of a far-distant and forgotten world.

[All very fine, but see Appendix C.]

APPENDIX B

AXIOMS FOR THE USE OF STUDENTS

LAW and Morality are two straight lines, which being produced ever so far in the same direction occasionally meet.

2. A point of law is that which exists but has no meaning.

3. A witness is a person who has something to conceal.

4. A dangerous witness is one who lies steadily between the two points where his evidence begins and ends.

5. A jury is a collection of good men and true chosen at random from a printed list consisting largely of bad men and false.

6. Judicial humour exemplifies the survival of infant mirth under the most adverse conditions.

7. The position of a barrister's clerk represents the triumphs of the masses over the classes.

8. A solicitor is a person who splits infinitives and grants favours.

9. No Barrister should write a book. Even if it is a popular novel solicitors and other critics will speak of him as one who wastes his time on Literature.

10. One cannot be too careless in the choice of a profession.

11. Depression is nine points of the Law.

12. The tenth point is depression also.

APPENDIX C

THE TEMPLE: AN ODE

DARK Shrine of Themis, insalubrious
haunt
Where youthful ardour dies and men grow
gaunt

Waiting the tardy brief or tardier Muse,
Till heart and brain wax callous, nor refuse
To journalize, or even to report,
Accept this Ode, effluvial resort.

The insensate youth, unblessed with gold
or νοῦς,

Who comes to Town from Balliol or the
House

To see Life's naked face and keep his terms,
Strolls through thy courts, inhales romance
and germs,

And, witless! hires him an ἀνώγειον
Here where men sit and hear each other
groan.

"This is the place," exclaims the youthful
bard,

"Where Mævius wrote, and drank extremely
hard ;

This is the calm and ever sacred shrine
Where Bavius forged his fulminating line,
Here happy Johnson roamed, a careless
swain,

Here N..b..lt toiled, and yearns to toil
again ;

Here Goldsmith trembled with divine afflatus,
And lies, (his tomb lies too; the apparatus
That warms the church where W..lf..rd's
organ drones

Most probably gives shelter to his bones);
Here Z..ngw..ll (Isr..l) entertained the Muse
(A trifle tired, poor soul) with all his views
On suffrage and the new Jerusalem ;

Here S..m..ns, M..re, and all the rest of them,
Like burning Sappho loved and sang, until
Apollo, sitting on his forkèd hill,
Grew jealous and bewitched them, so that
they

Got married or got bored and went away ;
Here Thackeray, Lamb—enough ! I feel,
I see

This is the Muse's home, This is the Place
for Me !"

Thus the poor fool who finds the truth too
late.

Not otherwise, the budding advocate
Gets him a wig and gown and bands, nor
blushes

To criticize the Is..ces and L..shes,
And in a cupboard on the second story
Aspires to bread and butter and to glory.
Presumptuous! Weening not his cheek shall
pale,

His liver languish and digestion fail,
His eyes grow dim, and meshed with lines
his forehead,

His taste atrocious and his temper horrid,
Until he curse the place and fly, to take a
Widow of wealth, or judgeship in Jamaica.

Such is their fate, yet, O bacterial spot,
Gaol of my youth, although I love thee not—
Though when I gazed upon thy Church,
there sang

Bare, ruined cats where late sweet voices rang;
Though that historic flood which by thee flows
Breathes odours ill-adapted to the nose;
Though men go up and down in formal
clothing

That Mr. B..rn..rd Sh..w would view with
loathing;

Yet, Temple, rushing tourists transatlantic
Pause in thy shade, and vote thee most
romantic ;

And I forget at moments—to be just—
Thy grime, thy dampness, and thy legal
dust,

Thy pseudo-early-English, Benchers' Tudor,
And horrid, florid river-front (*proh pudor !*)
And feel that I *might* like thee, if again
The day returned when I, unfledged and
fain,

First passed the perilous gorge of Middle
Temple Lane.

So, without wrath, to thee, O grim abode,
I dedicate this valedictory ode.

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